

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

In the Matter of:)	REVISED
)	COMPLAINT NO. 98-114
Isiah Lewis dba)	for
Vallejo Pull-a-Part)	ADMINISTRATIVE
2744 Green Island Road)	CIVIL LIABILITY
Vallejo, Solano County)	
_____)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Isiah Lewis dba Vallejo Pull-a-Part (hereinafter the Discharger) is alleged to have violated provisions of law and orders of the California Regional Water Quality Control Board, San Francisco Bay Region, for which the Regional Board may impose civil liability under Section 13385 of the California Water Code.
2. Unless waived, a hearing on this matter will be held before the Regional Board on May 25, 1999 in the Elihu M. Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland, California, 94612. You or your representative(s) will have an opportunity to be heard and to contest the allegations in this complaint, and the imposition of civil liability by the Regional Board. An agenda showing the time set for the hearing will be mailed to you no less than ten days before the hearing date. You must submit any written evidence concerning this complaint to the Regional Board by May 7, 1999. Any written evidence submitted to the Board after May 7, 1999 may not be included in the record.
3. At the hearing the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

4. The Discharger is alleged to have violated Section 13376 of the California Water Code, by allowing the discharge of pollutants to waters of the United States without waste discharge requirements.

5. The following facts are the basis for the alleged violation in this matter:

- a. Federal regulations for storm water discharges were issued by the U.S. Environmental Protection Agency on November 16, 1990 (40 Code of Federal Regulations (CFR) Parts 122, 123, and 124). The regulations require operators of specific categories of facilities where discharges of storm water associated with industrial activity occur to obtain an NPDES permit and to implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to eliminate industrial stormwater pollution.
- b. The State Water Resources Control Board has adopted waste discharge requirements in NPDES Industrial Activities Storm Water General Permit, Order No 97-03-DWQ (General Permit). The current permit replaces the now expired permit No. 91-13-DWQ. The General Permit authorizes the discharges of storm water associated with industrial activity.
- c. In accordance with federal regulations (40 CFR Parts 122, 123, and 124), all industrial facilities with Standard Industrial Classification (SIC) codes of 5015 or 5093 and which discharge storm water associated with industrial activity are required to obtain coverage under a NPDES Permit.
- d. The subject facility has been identified as having a SIC code of 5015 or 5093:

SIC code 5015 (Motor Vehicle Parts, Used) - Establishments primarily engaged in the distribution at wholesale or retail of used motor vehicle parts. This industry includes establishments primarily engaged in dismantling motor vehicles for the purpose of selling parts.

SIC code 5093 (Scrap and Waste materials) - Establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials. This industry includes auto wreckers engaged in dismantling automobiles for scrap.

- e. The Discharger discharges storm water associated with industrial activity but is not covered by either the General Permit or an individual NPDES permit. Discharges from the subject facility enter waters of the United States.
- f. By certified mail dated March 23, 1998, the Discharger was notified of the obligation to file a Notice of Intent (NOI) and to comply with the General Permit. The Discharger was required to respond by April 22, 1998.
- g. By certified mail dated September 21, 1998, the Executive Officer issued a Notice of Violation (NOV) letter to the Discharger. The NOV informed the Discharger that it was

in violation of Section 13376 of the California Water Code and that the Executive Officer would recommend enforcement actions if an NOI was not submitted.

- h. As of the date of this Complaint; the Discharger has failed to submit either an NOI, an application for an individual NPDES permit, or adequate evidence that an NPDES permit is not required. The Discharger has been in violation since October 1, 1992, the permit application deadline established by the State Board in Order No. 91-13-DWQ. Consequently, the Discharger is in violation of Water Code Section 13376 for at least 2,373 days (as of 3/31/99).

PROPOSED CIVIL LIABILITY

6. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.) in accordance with Section 15321 of Title 14, California Code of Regulations.
7. The maximum civil liability which can be imposed by the Regional Board under Section 13385 of the California Water Code is \$10,000 per day of violation. This Complaint addresses violations for the 2,373 day period from October 1, 1992 through March 31, 1999.
8. The Executive Officer of the Regional Water Quality Control Board proposes that an administrative civil liability be imposed in the amount of \$15,000. Of this amount \$2,000 is for recovery of staff costs.
9. Further failure to comply with the General Permit or amendments thereof beyond the date of this Complaint may subject the Discharger to further administrative civil liability, and/or other appropriate enforcement action(s), including referral to the Attorney General.

Date Issued

Loretta K. Barsamian
Executive Officer

WAIVER OF HEARING

You may waive the right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver and return it to the Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay St., Suite 1400, Oakland, CA, 94612. Payment of the administrative civil liability is due within thirty (30) days after the waiver is signed.

Please contact Rico Duazo at (510) 622-2340 or Betsy Jennings, Regional Board Counsel, at (916) 657-2421.

WAIVER

- [] By checking the box, I agree to waive my right to a hearing before the Board with regard to the violations alleged in the above Complaint and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in the complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed within 30 days.

Date

Discharger